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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION
16

17 3taps, Inc.,

18 Plaintiff,

19 vs.

20 LinkedIn Corporation,

21 Defendant.
22

Case No. 18-cv-00855-EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

Judge: Hon. Edward M. Chen

Action Filed: February 8, 2018

Trial Date: None Set

1 WHEREAS, on February 8, 2018, Plaintiff 3taps, Inc. (“3taps”) filed the complaint in the
2 above-captioned action against Defendant LinkedIn Corporation (“LinkedIn”), consisting of a
3 single count for a declaratory judgment that LinkedIn cannot assert the Computer Fraud and
4 Abuse Act, 18 U.S.C. § 1030 (“CFAA”) to prevent 3taps from accessing certain portions of
5 LinkedIn’s website (ECF No. 1);

6 WHEREAS, on February 23, 2018, this action was reassigned to this Court as related to
7 *hiQ Labs, Inc. v. LinkedIn Corp.*, No. 17-cv-03301-EMC (the “hiQ Action”) (*see* ECF No. 97 in
8 No. 17-cv-03301-EMC);

9 WHEREAS, on March 9, 2020, LinkedIn filed a petition for a writ of certiorari in the
10 Supreme Court of the United States in the hiQ Action (“Petition”) concerning the scope of the
11 CFAA, the outcome of which may impact the viability of the declaratory judgment that 3taps
12 seeks in this action;

13 WHEREAS, the Court entered a scheduling order in this case whereby LinkedIn’s deadline
14 to answer or otherwise respond to the complaint, the resumption of discovery, and other deadlines
15 depend on the date that the Supreme Court of the United States either rules on LinkedIn’s Petition,
16 or issues an opinion on the merits in the hiQ Action (ECF No. 30);

17 WHEREAS, the Petition remains pending;

18 WHEREAS, there is a case management conference scheduled for December 17, 2020 at
19 9:30 a.m. (ECF No. 32);

20 NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED AND
21 AGREED:

22 1. The case management conference currently set for December 17, 2020 at 9:30 a.m.
23 is continued to March 4, 2021 at 9:30 a.m.

24 2. Nothing in this stipulation or order affects any other deadline in ECF No. 30.

25 //

1 DATED: December 4, 2020

THE LAW OFFICES OF THOMAS V.
CHRISTOPHER

2
3 By: /s/ Thomas V. Christopher

4 THOMAS V. CHRISTOPHER

5 *Attorneys for Plaintiff 3taps, Inc.*

6
7 DATED: December 4, 2020

MUNGER, TOLLES & OLSON LLP

8
9 By: /s/ Jonathan H. Blavin

10 JONATHAN H. BLAVIN

11 *Attorneys for Defendant LinkedIn Corporation*

12
13 **N.D. Cal. Civil Local Rule 5-1 Attestation**

14 I, Jonathan H. Blavin, am the ECF user whose credentials were utilized in the electronic
15 filing of this document. In accordance with N.D. Cal. Civil Local Rule 5-1, I hereby attest that
16 Thomas V. Christopher concurred in the filing of this document.

17 /s/ Jonathan H. Blavin

18 Jonathan H. Blavin

19
20 **[PROPOSED] ORDER**

21 Pursuant to Stipulation, it is SO ORDERED.

22
23 DATED: December ___, 2020

24
25
26 The Honorable Edward M. Chen